

Interview Summary	Application No.		Applicant(s)	
	09/827,531		SMITH ET AL.	
	Examiner		Art Unit	
	Peter Choi		3623	

All participants (applicant, applicant's representative, PTO personnel):

(1) Peter Choi. (3)_____

(2) Venk Krishnamoorthy. (4)_____

Date of Interview: 11 October 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____

Claim(s) discussed: 1-18.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Examiner contacted Venk Krishnamoorthy regarding allowable subject matter. The Examiner requested a copy of amended claims, as the previously submitted claims were incomplete (it did not address all the claims). The Examiner obtained permission from Mr. Krishnamoorthy to enter the amended claims as an Examiner's Amendment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

EXAMINER'S AMENDMENT

Pending Claims for 09/827,531:

1. (Original) A machine readable medium having stored thereon instructions, which when executed by a processor, cause the processor to perform the following:
 - calculating a first variance for a reported sales rate of an item;
 - calculating a second variance for an unreported sales rate of the item;
 - generating a first probability distribution for reported sales, during a delay time, of the item;
 - generating a second probability distribution for unreported sales of the item based on an update time of a ready to sell parameter; and
 - performing a convolution of the first and second probability distributions to obtain a probability of an availability of the item at an expected time of transaction.
2. (Original) The machine readable medium of claim 1, wherein performing a convolution comprises:
 - performing a convolution of the first and second probability distributions to obtain convolution values; and
 - summing the convolution values to obtain a probability of the availability of the item at the end of the delay time.
3. (Previously Presented) The machine readable medium of claim 1, wherein calculating the first variance for a reported sales rate of an item and the second variance for an unreported sales rate of an item further comprises determining the reported sales rate and the unreported sales rate for the item.

4. (Original) The machine readable medium of claim 1, wherein the first probability distribution is a negative binomial distribution for reported sales during the delay time.
5. (Original) The machine readable medium of claim 4, wherein the negative binomial distribution is determined by recursive calculation.
6. (Original) The machine readable medium of claim 5, wherein the second variance is calculated based on an experience level parameter.
7. (Original) The machine readable medium of claim 4, wherein the second probability distribution is another negative binomial distribution for unreported sales during the delay time.
8. (Original) The machine readable medium of claim 1, wherein the sales rate is the rate of sales for a plurality of time units averaged over the plurality of time units.
9. (Original) The machine readable medium of claim 8, wherein the processor further performs adjusting the sales rate to reflect a rate of sale for a particular time period corresponding to the delay time, the particular time period falling within the plurality of time units

10. (Original) The machine readable medium of claim 1, wherein generating a second probability distribution comprises generating the second probability distribution for unreported sales of the item based on an update time of inventory data.
11. (Previously Presented) An apparatus, comprising:
means for calculating a first variance for a reported sales rate of an item;
means for calculating a second variance for an unreported sales rate of the item;
means for generating a first probability distribution for the reported sales rate to obtain a number of units of the item sold during a delay time;
means for generating a second probability distribution for the unreported sales rate based on an update time of ready to sell data; and
means for performing a convolution of the first and second probability distributions and summing to obtain a probability of an availability of the item at an expected time for the transaction.
12. (Original) The apparatus of claim 11, wherein the means for performing a convolution comprises:
means for performing a convolution of the first and second probability distributions to obtain convolution values; and
means for summing the convolution values to obtain a probability of the availability of the item at the end of the delay time.

13. (Previously Presented) The apparatus of claim 11, wherein:
- means for calculating the first variance for a reported sales rate of an item further comprises means for determining the reported sales rate; and
 - means for calculating the second variance for an unreported sales rate of an item further comprises means for determining the unreported sales rate.
14. (Previously Presented) A computer-implemented method, comprising:
- calculating a first variance for a reported sales rate of an item;
 - calculating a second variance for an unreported sales rate of the item;
 - generating a first probability distribution for reported sales, during a delay time, of the item;
 - generating a second probability distribution for unreported sales of the item based on an update time of a ready to sell parameter; and
 - performing a convolution of the first and second probability distributions to obtain a probability of an availability of the item at an expected time of transaction
15. (Original) The method of claim 14, wherein performing a convolution comprises:
- performing a convolution of the first and second probability distributions to obtain convolution values; and
 - summing the convolution values to obtain a probability of the availability of the item at the end of the delay time.

16. (Original) The method of claim 14, further comprising determining the reported sales rate and unreported sales rate.
17. (Previously Presented) The method of claim 14, wherein:
calculating a first variance for a reported sales rate of an item further comprises determining the reported sales rate; and
calculating a second variance for an unreported sales rate of the item further comprises determining the unreported sales rate.
18. (Original) The method of claim 14, wherein the sales rate is the rate of sales for a plurality of time units averaged over the plurality of time units.
19. (Canceled)